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10/510,763	05/10/2005	Peter Schneider	449122077200	3568
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BELL, BOYD & LLOYD, LLP			EXAMINER	
P.O. BOX 1135			BOKHARI, SYED M	
CHICAGO, IL 60690			ART UNIT	PAPER NUMBER
			2616	
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			01/28/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/510,763

**Applicant(s)**

SCHNEIDER, PETER

**Examiner**

Syed Bokhari

**Art Unit**

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 02/15/2005
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because of the total number of words used. Correction is required. See MPEP § 608.01(b).

### *Drawings*

3. The drawings are objected to because figure 1 and figure 2 which are not in English language. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the

replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 10, the device can not depend on method.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1-5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniele et al. (EP 0843499 A2) in view of Henrlon et al. (EP 0977405 A1).

Daniele et al. discloses a communication system for the management of resources in ATM technique for WFQ application with the following features: regarding claim 1, defining a guaranteed bandwidth for the transmission of packets of one of the traffic streams over the transmission channel with which is a minimum bandwidth used to transmit packets of the traffic stream over the transmission channel (Fig. 1, structure of the weighted fair queuing WFQ system with control block for transmission of queues, see "all the queues are correctly served with at least the guaranteed minimum bandwidth" recited in column 8 lines 2-6), defining a maximum bandwidth for the transmission of packets of the traffic stream over the transmission channel (Fig. 1, structure of the weighted fair queuing WFQ system with control block for transmission of queues, see "system guarantees the maximum bandwidth to incoming flow with

different QoS " recited in column 4 lines 55-58 and column 5 lines 1-4), with which the packets of the traffic stream will be transmitted over the transmission channel, where packets of the traffic stream which come into a buffer with a transmission rate lying below the guaranteed bandwidth for the traffic stream in the common transmission channel, are timed for transmission over the transmission channel before the packets of the traffic stream which come into the buffer with a transmission rate lying above the guaranteed bandwidth (Fig. 1, structure of the weighted fair queuing WFQ system with control block for transmission of queues, see "sorter device checks if the FIFO guaranteed bandwidth buffer still contains the pointer for transmission queues, SCB transmits first" recited in column 6 lines 26-38), wherein packets of the traffic stream which come into a buffer with a transmission rate lying below the maximum bandwidth for the traffic stream in the transmission channel are times for transmission over the transmission channel before the packets of the traffic stream which have arrived in the buffer with a transmission rate lying above the maximum bandwidth of the traffic channel in the transmission channel (Fig. 1, structure of the weighted fair queuing WFQ system with control block for transmission of queues, see "sorter device checks if the FIFO available bandwidth buffer still contains the pointer for transmission queues, SCB transmits " recited in column 6 lines 17-25); regarding clam 2, wherein, if the transmission channel is occupied by a number of traffic streams, each with a guaranteed bandwidth, a further traffic stream for transmission over the common transmission channel will be allowed if a sum of the guaranteed bandwidths and the requested bandwidth of the further traffic stream is a maximum of equal to a product of

a pre-specified quality constant with which an overall traffic channel bandwidth available to the transmission channel (Fig. 1, structure of the weighted fair queuing WFQ system with control block for transmission of queues, see "stream with different QoS levels guarantees for maximum bandwidth if requirement of agreed bandwidth of  $n$  transmission and fixed  $m$  transmission flow is less than or equal to the total bandwidth of the common channel" recited in column 6 lines 47-58 and column 5 lines 1-14); regarding claim 3, wherein, the constant is equal to one (Fig. 1, structure of the weighted fair queuing WFQ system with control block for transmission of queues, see "stream with different QoS levels guarantees for maximum bandwidth if requirement of agreed bandwidth of  $n$  transmission and fixed  $m$  transmission flow is equal to constant one" recited in column 6 lines 47-58 and column 5 lines 1-14); regarding claim 4, wherein the constant is greater than one (Fig. 1, structure of the weighted fair queuing WFQ system with control block for transmission of queues, see "stream with different QoS levels not guaranteed for maximum bandwidth if requirement of agreed bandwidth of  $n$  transmission and fixed  $m$  transmission flow is greater than constant one" recited in column 6 lines 47-58 and column 5 lines 1-14) and regarding claim 5, wherein, the constant is less than one (Fig. 1, structure of the weighted fair queuing WFQ system with control block for transmission of queues, see "stream with different QoS levels guarantees for maximum bandwidth if requirement of agreed bandwidth of  $n$  transmission and fixed  $m$  transmission flow is less than the total bandwidth of the common channel" recited in column 6 lines 47-58 and column 5 lines 1-14).

Daniele et al. does not disclose the following features: regarding claim 1, a method for transmission of traffic streams over a common transmission channels and of which data comes into a buffer connected upstream of the transmission channels comprising and regarding claim 8, wherein, timing priority of a packet to be transmitted over the common transmission channel before other packets is stored in a header of the packet.

Henrlon et al discloses a communication system for sharing available bandwidth with scheduler and intelligent buffer with the following features: regarding claim 1, a method for transmission of traffic streams over a common transmission channels (Fig.1, communication system with scheduler provided in ATM switch, see "plurality of data flow in a communication network via the common link" recited in paragraph 0003 lines 1-2), of which data comes into a buffer connected upstream of the transmission channels comprising (Fig.1, communication system with scheduler included in ATM switch, see "data packet comes into the buffer coupled to the processor" recited in paragraph 0019 lines 1-6) and regarding claim 8, wherein, timing priority of a packet to be transmitted over the common transmission channel before other packets is stored in a header of the packet (Fig.1, communication system with scheduler included in ATM switch, see "packets enter the scheduler at the input of the buffer according to the identification of the data flow " recited in paragraph 0056 lines 1-5).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Daniele et al. by using the features as taught by Henrlon et al. in order to provide a transmission of traffic streams over a common



transmission channels and of which data comes into a buffer connected upstream of the transmission channels. The motivation of using this method is to enhance the function of the system in a cost effective manner.

9. Claim 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniele et al. (EP 0843499 A2) in view of Henrlon et al. (EP 0977405 A1) as applied to claim 1 above, and further in view of Dolgonos et al. (US 2002/0147978 A1).

Daniele et al. and Henrlon et al. disclose the claimed limitations as described in paragraph 8 above. Daniele et al. and Henrlon et al. do not disclose the following features: regarding claim 6, wherein the traffic channel is a mobile radio channel for payload data and regarding claim 9, wherein more than 1000 traffic channels run over the transmission channel.

Dolgonos et al. disclose a hybrid cable/wireless communication system for high speed mobile data transfer with the following features: regarding claim 6, wherein the traffic channel is a mobile radio channel for payload data (Fig .1, a hybrid cable/wireless communications system, see "wireless or radio channels can be used as downstream channel" recited in paragraph 0007 lines 1-11) and regarding claim 9, wherein more than 1000 traffic channels run over the transmission channel (Fig .1, a hybrid cable/wireless communications system, see "multi-channel multi-point distribution with frequency allocation 2680-2686 MHz" recited in paragraph 0028 lines 21-30).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Daniele et al. with Henrlon et al. by using the features, as taught by Dolgonos et al. in order to provide the traffic channel as a mobile radio channel for payload data. The motivation of using this method is to enhance the function of the system in a cost effective manner.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daniele et al. (EP 0843499 A2) in view of Henrlon et al. (EP 0977405 A1) as applied to claim 1 above, and further in view of Ellenby et al. (US 7,031,875 B2).

Daniele et al. and Henrlon et al. disclose the claimed limitations as described in paragraph 8 above. Daniele et al. and Henrlon et al. do not disclose the following features: regarding claim 7, wherein the traffic channel passes through a UMTS GATEWAY.

Ellenby et al. discloses a positioning system for addressing objects with the following features: regarding claim 7, wherein the traffic channel passes through a UMTS GATEWAY (Fig. 1, system architecture with elements of overall system, see "UMTS enables network to offer voice, data and multimedia with high data rate" recited in column 13 lines 10-24).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Daniele et al. with Henrlon et al. by using the features, as taught by Ellenby et al. in order to provide the UMTS GATEWAY as traffic channel to

pass through. The motivation of using this method is to enhance the function of the system in a cost effective manner.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 2004/0019876 A1 (Dravida et al.) and US 2001/0043613 A1 (Wibowo et al.).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Bokhari whose telephone number is (571) 270-3115. The examiner can normally be reached on Monday through Friday 8:00-17:00 Hrs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang B. Yao can be reached on (571) 272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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**KWANG BIN YAO**  
**SUPERVISORY PATENT EXAMINER**

A handwritten signature in black ink, appearing to read 'Kwang Bin Yao', written over the printed name and title.